

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

IN RE:

EDWARD BUSHEE
CHRISTINA BUSHEE,

Debtor.

Case No. 10-11755
Chapter 13

Hon. Robert E. Littlefield

**AFFIRMATION IN OPPOSITION TO THE MOTION OF
SECURED CREDITOR FOR RELIEF FROM AUTOMATIC STAY**

BRANDI BURNS, an attorney duly licensed to practice law before the Federal Courts of the State of New York, hereby affirms the foregoing under the penalties of perjury:

I am the attorney for the above-referenced debtors and oppose the motion made by GMAC Mortgage, LLC. (creditor).

1. The debtors filed a Petition under Chapter 13 of the Bankruptcy Code on May 6, 2010.
2. That plan called for post-petition mortgage payments to be made directly to the creditor and all arrears to be paid through the plan.
3. The debtors wish to modify their mortgage and lower their monthly mortgage payments.
4. The debtors contacted the creditor and inquired about a modification of the mortgage.
5. The creditor advised the debtors that they cannot review a modification application unless the debtors are in arrears.
6. The debtors have not made the payments for August, September and October.
7. The debtors would like to apply for a modification with the creditor.

8. The debtors would be willing to agree to a Conditional Order to allow time for the modification process to be completed.
9. If the motion is denied the creditor would remain adequately protected during the bankruptcy case as their secured mortgage still remains a valid first lien on the property.
10. The debtor is willing to agree to a Conditional Order which would allow for the completion of the negotiation of the modification.

WHEREFORE, we ask the Court to deny the motion of the creditor's attorney requesting that the automatic stay be lifted and for such other and further relief as the Court deems just and proper.

/S/ Brandi Burns
BRANDI BURNS, ESQ.
Attorney for Debtor
229 Washington Street
Saratoga Springs, New York 12866
(518) 583-0595

Sworn to before me this
20th day of October, 2010

/S/ Sarah B. Foulke
Notary Public, State of New York
No. 4815248
Qualified in Saratoga County
Commission Expires: 12-31-2011